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September 10, 2018

VIA ELECTRONIC CASE FILING

Hon. A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court - EDNY
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: **Nelson Quintanilla, et al. v. Suffolk Paving Corp., et al.**
Case No.: CV-09-5331 (SJF) (AKT)

Your Honor:

This firm is counsel to all defendants in this action. We write in connection with the Court's September 30, 2014 Order on Defendants' motion for summary judgment and the corresponding Order of May 11, 2018 establishing a trial date of November 5, 2018.

We respectfully seek the issuance of the written decision. As it stands, the motion was granted in part and denied in part. Consequently, for purposes of preparing for trial, it is imperative that the parties know which claims are to be tried. Further, since the filing of the motion papers in 2013, there have been wholesale changes to the caselaw governing this dispute. In essence, had the papers been filed today, the analysis of the facts and allegations, and our arguments in support of dismissal, would be far different than those contained in our original filing. Our concern being that certain issues will have to be re-briefed as the passage of time alone may have rendered certain arguments stale. At a minimum, pre-trial memoranda will be necessary.



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We thank the Court for consideration of this application and remain available should Your Honor require additional information in connection with this submission.

Respectfully submitted,

ZABELL & ASSOCIATES, P.C.

Saul D. Zabell

cc: Ian F. Wallace, Esq. (*via* Electronic Case Filing)
Clients